

# It's OK for Army To Spy on Civilians, Federal Court Rules

CHICAGO (UPI).—U. S. District Court Judge Richard B. Austin on Tuesday dismissed a suit seeking to stop Army surveillance on civilians, ruling the surveillance did not violate Constitutional rights.

Testimony in the week-long hearing on a request for an injunction revealed only that the Army spy operations were "typical Washington bureaucrat boondoggling," Austin said.

## ACLU FILES SUIT

The American Civil Liberties Union and several persons named by former Army Staff Sgt. John M. O'Brien as targets of spying, filed the suit. They also sought to have all records of the surveillance destroyed.

Former Illinois Gov. Otto Kerner, now a U. S. Appeals Court judge; Sen. Adlai E. Stevenson 3d (D., Ill.); U. S. Rep. Abner Mikva (D., Ill.), and the Rev. Jesse Jackson, head of Operation Breadbasket of the Southern Christian Leadership Conference, were among 800 persons who O'Brien said had been under surveillance.

"There has been a cliché that a certain profession is known as the 'world's oldest profession,'" Austin said. "I question that; I think that the oldest profession is spying, and it started in the Garden of Eden when somebody watched Eve eating an apple."

## '7 DAYS IN MAY'

ACLU attorney Alexander Polikoff, in his opening arguments, said military spying on civilians could lead to a real "Seven Days in May," referring to a novel about a police state.

Austin said the testimony showed that if the country "must rely on Army intelligence, there will be no 'Seven Days in May.'"

O'Brien's testimony was challenged by his civilian surveillance unit chief and other Army officers. But they did agree that potentially violent



JUDGE R. B. AUSTIN

... just 'boondoggling'

groups and individual members of the groups were watched.

Thomas Filkins, chief of special operations for the Army's 113th Military Intelligence Group, based at Evanston, Ill., testified Monday files were kept on Stevenson and Mikva because of the slim chances of violence after speeches by them.

"This was used by us as a yardstick," Filkins said. The unit wanted to compare speeches not followed by violence to those that were, he said.

One of the final witnesses was another former intelligence agent, Richard G. Stahl, assigned to the Chicago field office of the 113th Military Intelligence Group.

## DISCREET SPYING

Stahl testified he was ordered to conduct "a very, very discreet surveillance" of the Rev. Ralph Abernathy, director of the SCLC, while Abernathy was in Chicago during the 1968 Democratic National Convention.

Stahl said he later was assigned to the Georgia delegation and told to especially watch Gov. Lester Maddox.

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